

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiffs,

v.

COMMONWEALTH OF PUERTO RICO,
et. al.

Defendants.

CIVIL NO. 12-2039 (GAG)

**EMERGENCY MOTION TO MODIFY THE DEADLINES ON ORDER DOCKET 590
TO THE HONORABLE COURT:**

COME NOW the COMMONWEALTH OF PUERTO RICO and the PUERTO RICO POLICE DEPARTMENT, through the undersigned counsel, and respectfully allege and pray as follows:

1. On August 3, 2017, the Commonwealth of Puerto Rico filed a motion requesting protective order to safeguard privilege information covered in the TCA's draft report. (See Docket No. 588) On that same date, this Honorable Court order that on or before Tuesday August 8, 2017, shall file a memorandum detailing why the document in question constitutes attorney-client privileged information, and contain under seal the documented issue as well as any other supporting document. (See Docket No. 590)

2. On August 4, 2017, the undersigned exchange several emails with the TCA in respect to the subject matter that caused the Commonwealth to file the protective order. The TCA expressed that "*subject document was not going to be use for my report but rather other sources of information. I presented an example source in*

the form of an article by El Vocero.” The TCA went further to state that *“We consider both of your responses and made changes to the report; you will see those in my final report.”* (Exhibit 1)

3. The Parties respectfully bid on several occasions for the TCA to share the changes that he had made to the report. The TCA was dismissive or at the very least evasive and did not provide the requested documents.

4. The parties seek the help of Constitutional Lawyer Castellanos to see if the TCA would be willing to share the most recent TCA report with the requested revisions. After, several telephone conferences call between the parties and Castellanos, he indicated that the Court had instructed him and Constitutional Lawyer Denton to revise the whole draft report.

5. In order for the Parties to evaluate the TCA’s assertion that the issue raised by the Commonwealth is moot, we need to have the most recent version of the TCA’s Draft Report. It would be waste of the Court’s resources for the parties to brief the court on a version of the TCA’s Draft Report that has been changed or modify. Moreover, there might not be a need for the Commonwealth to file a Memorandum of Law if we can assess that the issue is moot.

6. Furthermore, it is possible that the document receives more edits after the instructions given to the Constitutional Lawyers by the Court to revise the TCA’s Draft Report. The parties have provided the Constitutional lawyers comments on the TCA’s Draft Report in order to help them in their task. Also, the Commonwealth pointed out to the Constitutional Lawyers additional areas in the TCA’s Report where there might be confidential information.

7. Consequently, to avoid unnecessary briefing the Commonwealth respectfully requests that the Court modify the deadlines at order docket 590 and allow the Parties to brief its Memorandum of Law once we have received the final edits of the TCA's Draft Report.

WHEREFORE, it is respectfully requested from this Honorable Court to take notice of the above stated and grant this request to set aside or modify the deadlines at order docket 590 and allow the Parties to brief its Memorandum of Law once we have received the final edits of the TCA's Draft Report.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on August 4, 2017.

WANDA VÁZQUEZ GARCED
Secretary of Justice

WANDYMAR BURGOS VARGAS
Deputy Secretary in Charge of
Litigation
Department of Justice

SUSANA PEÑAGARÍCANO BROWN
Director of Federal Litigation
and Bankruptcy Division

S/JOEL TORRES ORTIZ
Joel Torres Ortiz
U.S.D.C. NO. 302311
Federal Litigation Division
Department of Justice

P.O. Box 9020192
San Juan, P.R., 00902-0192

Tel. (787) 721-2900, ext. 2647,2650,2624,2606
Fax (787) 723-9188
joeltorres@justicia.pr.gov